

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

April 16, 2015



Conditional Use Permit case no. CU15-02: Foresight Communications

CASE DESCRIPTION: a request for approval of a Conditional Use Permit to allow the installation of an intermediate wireless telecommunications facility (up to 110 feet tall) in a Planned Development (PD) zoning district

LOCATION: 4221 Boonville Road, adjoining the north side of Boonville Road between Copperfield Drive and Miramont Boulevard, being Lot 1 in Block 1 of the Bethel Evangelical Lutheran Church Subdivision

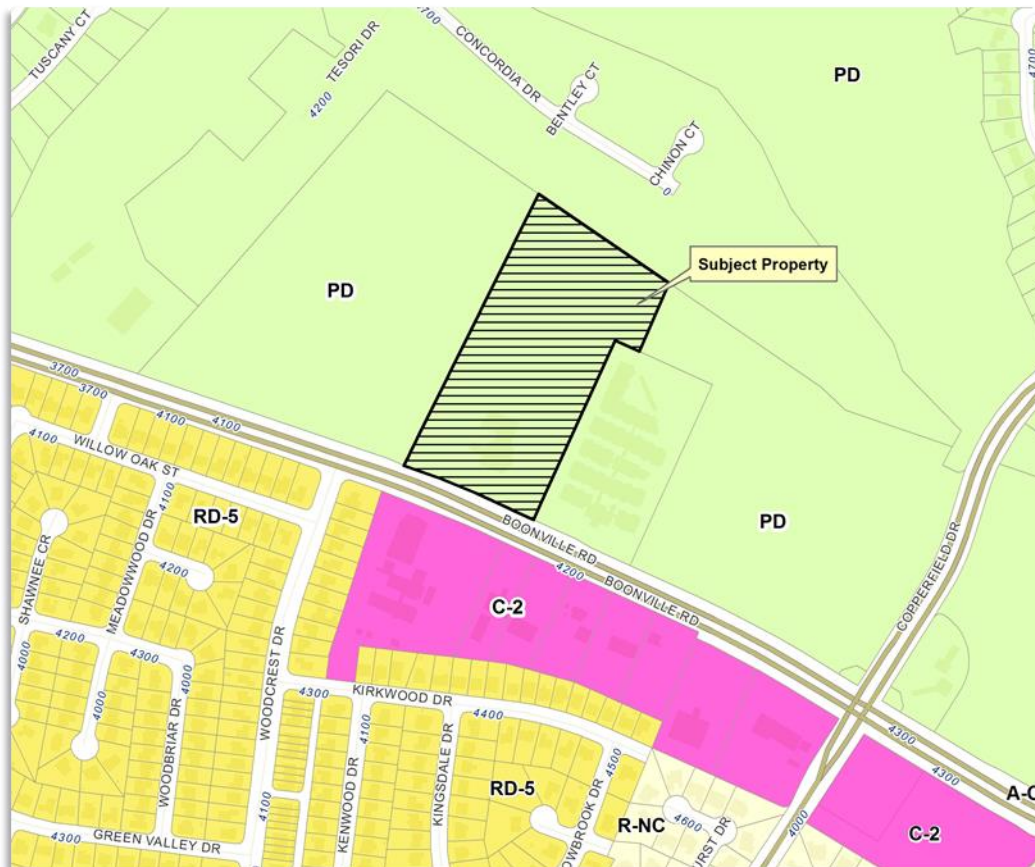
ZONING: Planned Development District (PD)

EXISTING LAND USE: place of worship

APPLICANT(S): Eddie Samson of Foresight Communications

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit.



AERIAL PHOTOGRAPH (2013):



IMAGES SIMULATING TOWER VISIBILITY (SUBMITTED BY APPLICANTS):



Figure 1: Looking north to the proposed tower location from the edge of the church parking lot



Figure 2: Looking south to the subject property from Concordia Drive in the Miramont Subdivision

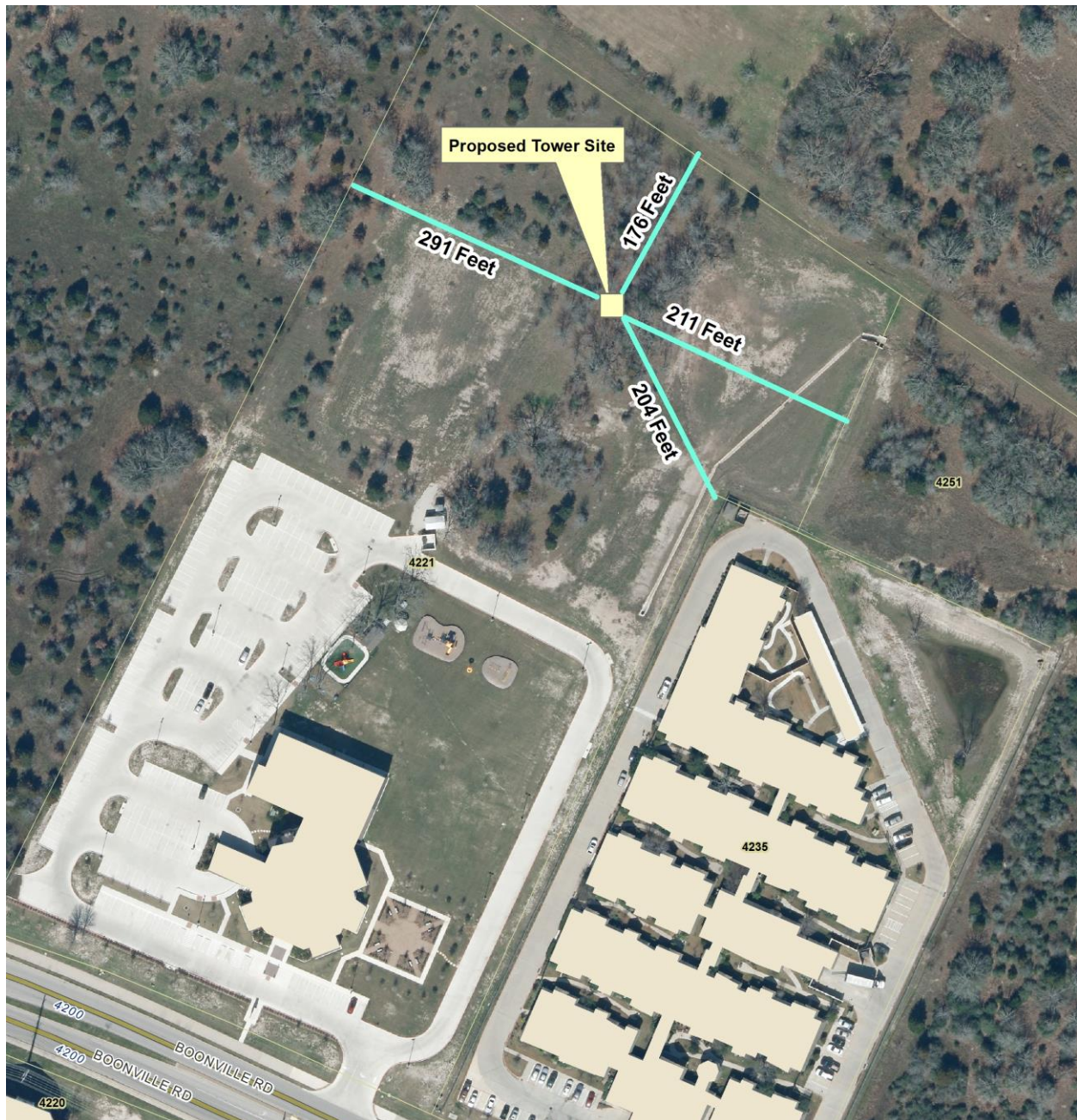


Figure 3: Looking east to the subject property from a vacant field located west of the subject property



Figure 4: Looking west to the subject property from the multi-family development located east of the subject property

DISTANCES FROM PROPOSED TOWER LOCATION TO ADJACENT PROPERTIES:



BACKGROUND:

The subject property is 11.89 acres in size and currently zoned as Planned Development District. The subject property's front 6.24 acres are developed with church facilities and a parking lot for and owned by Bethel Lutheran Church. The subject property's remaining 5.65 acres are currently undeveloped. The church desires to lease a 75-foot by 75-foot portion of the property to Verizon Wireless, through Foresight Communications (the applicant), for the installation and operation of a 110-foot intermediate wireless telecommunications facility which is proposed to be a monopole transmission tower. The

proposed transmission tower and accessory equipment are planned to be located in the rear (northern portion) of the property within a fenced lease space area, as indicated on the aerial photograph above and on the site plan that is attached to this staff report. The proposed 110-foot freestanding tower will be positioned in a location that exceeds the minimum required setbacks for a transmission tower of this size from the rear property line (110 feet) by 66 feet. It will be located 211 feet and 204 feet from the multi-family development located directly to the east of the subject property and 291 feet from the vacant property located directly to the west of the subject property.

The proposed tower will be located more than 800 feet from the centerline of Boonville Road which greatly exceeds the minimum required 330-foot distance required by City ordinances. The proposed transmission tower would also be situated approximately 5,850 feet from the nearest other transmission tower now located near the intersection Briarcrest Drive and Highpoint Drive, which is 900 feet further than the minimum distance required for a 110-foot tall tower (the height of the tower times 45).

As stated in the attached letter from the applicants, the purpose of this facility is to improve cell phone coverage in the immediate vicinity and to relieve other nearby cell traffic transmission facilities. The applicants maintain that all other alternatives for a tower of this height in the City limits have been exhausted. This tower will be made available for the co-location of up to two additional wireless carrier antennae from other companies, as required by the Land and Site Development Ordinance.

The Planned Development zoning classification for the property allows a variety of uses by right including residential, commercial and recreational. However, intermediate wireless telecommunications facilities (i.e., those with a new transmission tower of more than 35 feet in height but less than or equal to 110 feet in height) are only allowed with the prior approval of a Conditional Use Permit from the Planning and Zoning Commission.

Foresight Communications is requesting such a Conditional Use Permit, which, if approved, will allow the proposed wireless telecommunication facility, including a new 110-foot tall transmission tower, on this property at the location shown on the attached site plan.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Comprehensive Plan focuses on the need to "facilitate orderly, efficient and attractive development, redevelopment, and infill." More particularly, the Citywide Land Use Policies section of the plan states that appropriate buffers for dissimilar uses include floodplain areas and natural features. Additionally, the Comprehensive Plan affirms that "the City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically."

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

The proposed wireless telecommunication facility on the subject property was reviewed by the Site Development Review Committee (SDRC). The proposed development will conform to all applicable regulations and standards, including those established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff believes that the proposed wireless transmission facility on the subject property will be compatible with existing uses on abutting sites. All adjacent properties are a minimum of 204 feet away from the proposed tower location. The location of the proposed tower is surrounded by substantial vegetation and trees which serve to block the view of the tower from these properties. Undeveloped property located to the north of the subject property is the Miramont Subdivision, which will eventually be developed for estate type single-family homes.

The proposed transmission facility meets all applicable development standards, including minimum setback and buffer standards that apply when wireless transmissions facilities are located on properties that adjoin single-family residential zoning districts if the property were zoned Commercial District (C-3).

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff believes that the proposed wireless telecommunication facility on the subject property would not create greater unfavorable effect or impacts on abutting properties than a commercial development currently allowed by right on this property without Conditional Use Permit approval. The proposed facility will be positioned in a location that offers the best options for natural buffering and separation from adjacent properties. Due to the nature of the proposed use, staff expects there to be very little traffic to the site after it is constructed. Wireless transmission facilities, by their very nature, cause little to no noise or light pollutions that could be perceived as a nuisance to neighboring properties.

During the review phase of this project, staff suggested the use of a stealth facility, i.e., design technology that blends the telecommunications tower into the surrounding environment so it is unrecognizable as a telecommunications facility. The applicant responded that use of the Church steeple by a stealth facility was examined, that such a facility would not provide the service coverage needed in this area.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed wireless telecommunication facility at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity. The proposed location of the wireless tower facility is at the rear of the subject property and will be accessed by a drive to be used only by maintenance workers. After the proposed tower is constructed, traffic generation by maintenance visits to the site can reasonably be expected to have a negligible impact.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including the proposed wireless telecommunication facility, is required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that, in this particular case, the proposed wireless telecommunication facility on this property will not have any adverse effects on traffic control or adjacent properties.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

The proposed wireless telecommunication facility at this location will provide adequate and convenient off-street parking, as required by City ordinances and regulations.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Staff contends that the proposed wireless telecommunication facility at this particular location is appropriate and conforms to the land use recommendations of the Comprehensive Plan. Long-term development prospects for this and other properties along this segment of Boonville Road will most likely remain nonresidential in nature given their adjacency to one of the major gateways into the City of Bryan.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes the proposed use of this property by a wireless telecommunications facility will have no ill effects on properties or improvements in the vicinity. The stated function of this facility is to serve a public purpose, namely providing better quality cell phone coverage.

10. Whether the premises or structures are suitable for the proposed conditional use.

Staff believes that the premises are particularly suitable for the proposed conditional use given existing nonresidential development on this and other residential development located on nearby properties. This site seems to offer one of the few options remaining for a new wireless transmission tower location within the current City limits that meets the required setback and separation standards.

RECOMMENDATION:

Based on all these considerations, staff **recommends approving** the requested Conditional Use Permit.

EXCERPT FROM APPLICATION:

Conditional Use Permit Supplement E

Minimum Requirements:

- ☐ 15 Folded copies of Site Plan



Please list the reasons for this conditional use permit request:

Verizon Wireless is looking to build a cell tower to provide enhanced coverage and capacity coverage to the neighborhoods surrounding Booneville Rd. in Bryan, TX. This conditional use permit request is so that Verizon can build a 110' monopole on the back side of the property of the Bethel Lutheran Church on Booneville Rd.

| | | |
|--------------------------|------|---|
| | | |
| | | |
| TELEFONO 090022 900 0000 | 0900 | 2 |
| TELEFONO 090022 900 0000 | 0900 | 1 |
| TELEFONO 090022 900 0000 | 0900 | 0 |

**DETAILED SITE PLAN
& TOWER ELEVATION**

BONVILLE

| | |
|--|----|
| | 70 |
|--|----|

[illegible]

| | |
|-------|-----|
| NAME: | SAB |
| DATE: | FMM |

Table 4. VMT14-C15

2.E.7

ISSUED
FOR
REVIEW

